

Express Mail No. EV475141440US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Marton et al.	Confirmation No.: 9370
Serial No.: 10/520,031; National Stage of PCT Application No. PCT/US03/020504	Art Unit: To be assigned
Filed: June 27, 2003	Examiner: To be assigned
For: METHODS TO ASSESS QUALITY OF MICROARRAYS	Attorney Docket No.: 9301-159

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.  
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to a Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) ("Notification"), mailed June 13, 2005, and in connection with the above-identified application, Applicants submit herewith:

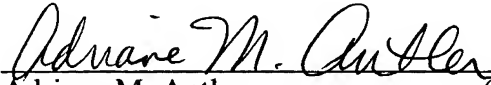
(1) a copy of the Notification; (2) Declaration for Non-Provisional Patent Application in three counterparts executed by the inventors Matthew Marton, Michael Meyer and Allan Jones on July 26, 2005, August 2, 2005 and August 8, 2005, respectively; (3) an executed Power of Attorney by Assignee; (4) a copy of the executed Assignment (in three counterparts) being submitted for recordation on even date herewith; (5) Sequence Listing in written and computer readable forms; (6) Preliminary Amendment; and (7) Amendment Fee Sheet.

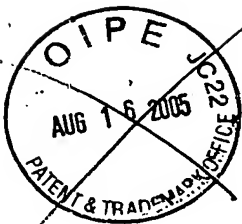
No fee is believed due for this submission, since a surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date was authorized to be charged to the deposit account of Attorneys for Applicants in the

Transmittal Letter to the U.S. Designated/Elected Office (Form PTO-1390) filed on December 27, 2004. However, if the Patent and Trademark Office determines otherwise, please charge the required fee to Jones Day Deposit Account No. 50-3013. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: August 15, 2005

 32,605  
Adriane M. Antler (Reg. No.)  
**JONES DAY**  
222 East 41st Street  
New York, New York 10017  
Phone: (212) 326-3939



-Rec'd PCT/PTO 15 AUG 2005

Express Mail No. EV475141440US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Marton et al.

Confirmation No. 9370

Application No.: 10/520,031; National stage of  
International-Application-No-PCT/US03/20504

Group Art Unit: Not Yet Assigned

Filed: June 27, 2003

Examiner: Not Yet Assigned

For: METHODS TO ASSESS QUALITY OF  
MICROARRAYS

Attorney Docket No.: 9301-159

FEE TRANSMITTAL SHEET

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The fee required to be filed with the accompanying amendment of even date herewith concerning the above-identified application has been estimated to be \$50.00.

The claim amendment fee has been estimated as shown below:

(Col. 1)			(Col. 2)		(Col. 3)		<input type="checkbox"/> SMALL ENTITY		<input checked="" type="checkbox"/> OTHER THAN A SMALL ENTITY		
CLAIMS REMAINING AFTER AMENDMENT			HIGHEST NO. PREVIOUSLY PAID		PRESENT EXTRA		RATE	ADDIT. FEE	OR	RATE	ADDIT. FEE
TOTAL	70	MINUS	69		1	x 25	\$			x 50	\$ 50.00
INDEP.	4	MINUS	4		0	x 100	\$			x 200	\$ 0.00
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM							\$			\$	0.00
TOTAL							\$		OR	TOTAL	\$ 50.00

Please charge the required fee to Jones Day Deposit Account No. 50-3013. A copy of this sheet is enclosed.

Date: August 15, 2005

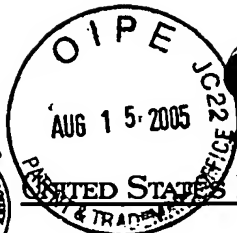
Respectfully submitted,

Adriane M. Antler 32,605  
Adriane M. Antler (Reg. No.)

**JONES DAY**  
222 East 41st Street  
New York, New York 10017  
(212) 326-3939

02/13/2006 K WILLIAM 00000003 503013 10520031

01 EC:1615 650.00 DA  
Enclosure



UNITED STATES PATENT AND TRADEMARK OFFICE

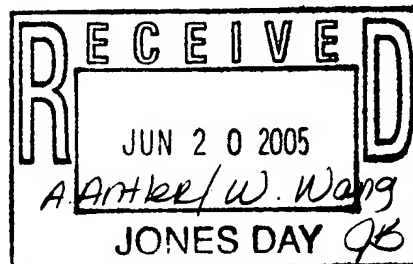
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/520,031 ✓	FIRST NAMED APPLICANT Matthew Marton	ATTY. DOCKET NO. 9301-159 ✓
---	---	--------------------------------

INTERNATIONAL APPLICATION NO. PCT/US03/20504
---

IA. FILING DATE 06/27/2003	PRIORITY DATE 06/28/2002
-------------------------------	-----------------------------

20583  
JONES DAY  
222 EAST 41ST ST  
NEW YORK, NY 10017.



CONFIRMATION NO. 9370  
371 FORMALITIES LETTER  
\*OC000000016257862\*  
\*OC000000016257862\*

Date Mailed: 06/13/2005

Oath/Dec/Fee + Seq. List: due 8/13/05.

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/27/2004
- Copy of the International Search Report filed on 12/27/2004
- Oath or Declaration filed on 12/27/2004
- Biochemical Sequence Listing filed on 12/27/2004
- Request for Immediate Examination filed on 12/27/2004
- U.S. Basic National Fees filed on 12/27/2004

RECEIVED

JUN 23 2005

ADRIANE M. ANTLEH

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is

identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 308-9140 EXT 213

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/520,031	PCT/US03/20504	9301-159